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20 *and Michael McDermott*

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22 **UNITED STATES DISTRICT COURT**
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24 **FOR THE DISTRICT OF NEVADA**

25 KENNETH LANE, *et al.*,

26 Plaintiffs,

27 v.

28 CONESTOGA SETTLEMENT SERVICES,
LLC, *et al.*,

Defendants.

CASE NO. 2:20-cv-01716-APG-BNW

**JOINT MOTION TO EXCEED PAGE
LIMITS ON:**

**(1) CONESTOGA SETTLEMENT
SERVICES, LLC; CONESTOGA
INTERNATIONAL, LLC;
CONESTOGA TRUST SERVICES,
LLC; AND MICHAEL
MCDERMOTT'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
APPOINTMENT OF TEMPORARY
RECEIVER; AND**

**(2) PLAINTIFFS' OPPOSITION TO
CONESTOGA SETTLEMENT SERVICES,
LLC; CONESTOGA INTERNATIONAL,
LLC; CONESTOGA TRUST SERVICES,
LLC; AND MICHAEL MCDERMOTT'S
MOTION TO DISMISS PURSUANT TO
RULE 12(B)(2) AND RULE 12(B)(6)**

Plaintiffs and Defendants Conestoga Settlement Services, LLC; Conestoga International,
LLC; Conestoga Trust Services, LLC; and Michael McDermott (collectively, the "Conestoga

Parties”), by and through their attorneys of record, hereby submit this Joint Motion to Exceed Page Limits on: (1) the Conestoga Parties Opposition to Plaintiffs’ Motion for Appointment of Temporary Receiver (ECF No. 41) (the “Motion to Appoint Temporary Receiver”); and (2) Plaintiffs’ Opposition to the Conestoga Parties’ Motion to Dismiss Pursuant to Rule 12(b)(2) and Rule 12(b)(6) (ECF No. 44) (the “Motion to Dismiss”). This Motion is made and based upon the following Memorandum of Points and Authorities, all papers and pleadings on file, and the argument of counsel at any hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

1. On November 24, 2020, the Plaintiffs filed their Motion to Appoint Temporary Receiver. The Conestoga Parties will be filing an opposition to that Motion.

2. To fairly address all of the issues raised in the Motion to Appoint Temporary Receiver, an additional ten pages (beyond the 24 pages allowed by Local Rule 7-3) is necessary and thus requested by the Conestoga Parties. The Motion to Appoint Temporary Receiver raises a number of issues as to why a receiver should be appointed. The Motion to Appoint Temporary Receiver also attaches almost 900 pages of supporting exhibits related to over ninety different Plaintiffs. The Conestoga Parties need additional pages to be able to address the numerous factual assertions made in the Motion to Appoint Temporary Receiver and to refute the numerous legal grounds raised by Plaintiffs to support their request for the appointment of a receiver.

3. Also on November 24, 2020, the Conestoga Parties filed their Motion to Dismiss. The Plaintiffs will be filing an opposition to that Motion.

4. To fairly address all of the issues raised in the Motion to Dismiss, an additional six pages (beyond the 24 pages allowed by Local Rule 7-3) is necessary and thus requested by the Plaintiffs. The Motion to Dismiss includes over 30-pages¹ of argument and raises a number of issues as to why the Complaint should be dismissed based on both jurisdictional and substantive grounds.

5. Counsel for both Parties have conferred with each other regarding the relief sought herein and do not oppose the requests of either Party.

¹ The Court previously approved the Conestoga Parties’ request for leave to file the Motion to Dismiss in excess of the page limits. (*See* ECF No. 46.)

6. The declaration of James C. Orr, Jr., counsel for the Conestoga Parties, is attached hereto as **Exhibit A** and offered in support of this Motion.

CONCLUSION

The Parties respectfully request that the Court grant leave for the Conestoga Parties to file their Opposition to the Motion to Appoint Temporary Receiver with an additional ten pages. The Parties further respectfully request that the Court grant leave for the Plaintiffs to file their Opposition to the Motion to Dismiss with six additional pages.

Dated: January 7, 2021

Dated: January 7, 2021

ARMSTRONG TEASDALE LLP

KING & DURHAM PLLC

By: /s/Brandon P. Johansson

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Attorneys for Plaintiffs

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Services, LLC, Conestoga International, LLC,
Conestoga Trust Services, LLC, and Michael
McDermott*

ORDER

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: January 7, 2021

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of January, 2021, a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system. Notice of filing will be served on all parties by operation of the Court's EM/ECF system, and parties may access this filing through the Court's CM/ECF system.

/s/Sheila A. Darling

An employee of Armstrong Teasdale LLP

Exhibit A

Declaration Of James C. Orr, Jr.

Exhibit A

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

KENNETH LANE, *et al.*,

Plaintiffs,

v.

CONESTOGA SETTLEMENT SERVICES,
LLC, *et al.*,

Defendants.

CASE NO. 2:20-cv-01716-APG-BNW

**DECLARATION OF JAMES C. ORR,
JR., IN SUPPORT OF JOINT MOTION
TO EXCEED PAGE LIMITS**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. My name is James C. Orr, Jr. I am over 21 years of age, of sound mind, and capable of making this declaration. I have never been convicted of a crime involving moral turpitude. The facts stated within this declaration are within my personal knowledge and are true and correct.

2. I am lead counsel in this action for Defendants Conestoga Settlement Services, LLC; Conestoga International, LLC; Conestoga Trust Services, LLC; and Michael McDermott (collectively, the “Conestoga Parties”).

3. On November 24, 2020, Plaintiffs filed their Motion to Appoint Temporary Receiver. The Conestoga Parties will be filing an opposition to that Motion.

4. To fairly address all of the issues raised in the Motion to Appoint Temporary Receiver, an additional ten pages (beyond the 24 pages allowed by Local Rule 7-3) is necessary and thus requested by the Conestoga Parties. The Motion to Appoint Temporary Receiver raises a number of issues as to why a receiver should be appointed. The Motion to Appoint Temporary Receiver also attaches almost 900 pages of supporting exhibits related to over ninety different Plaintiffs. The Conestoga Parties need additional pages to be able to address the numerous factual assertions made in the Motion to Appoint Temporary Receiver and to refute the numerous legal grounds raised by Plaintiffs to support their request for the appointment of a receiver.

5. Also on November 24, 2020, the Conestoga Parties filed their Motion to Dismiss. It is my understanding that the Plaintiffs will be filing an opposition to that Motion.

6. It is also my understanding from the Plaintiffs' counsel that to fairly address all of the issues raised in the Motion to Dismiss, an additional six pages (beyond the 24 pages allowed by Local Rule 7-3) is necessary and thus requested by the Plaintiffs. The Motion to Dismiss includes over 30-pages of argument and raises a number of issues as to why the Complaint should be dismissed based on both jurisdictional and substantive grounds.

7. I have today conferred with counsel for the Plaintiffs regarding the relief sought, and we are both in agreement to the requests proposed in the Motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 7th day of January, 2021.

/s/James C. Orr, Jr.
JAMES C. ORR, JR., ESQ.